

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TAMMY WILLIAMS,	)	
	)	
Plaintiff,	)	4:09CV3116
	)	
vs.	)	ORDER
	)	
MICHAEL J. ASTRUE, Commissioner of	)	
the Social Security Administration,	)	
	)	
Defendant.	)	

This matter is before the court sua sponte and pursuant to [NECivR 41.2](#), which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." Further, [Fed. R. Civ. P. 4\(m\)](#) establishes a 120-day time limit for service of process on the defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on June 5, 2009. See [Filing No. 1](#). Accordingly, the deadline for service of process expired **on or about October 5, 2009**. The plaintiff sought and received summonses on October 2, 2009. See [Filing No. 7](#). However, there is no proof of service of process on the defendant. Therefore, the plaintiff must make a showing of service, good cause for the failure of timely service, or the action must be dismissed. Upon consideration,

**IT IS ORDERED:**

The plaintiff shall show cause why this case should not be dismissed for failure to prosecute or electronically file proof of service **on or before October 30, 2009**.

Dated this 15th day of October, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge